

CIVIL DOCKET
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE	ATTORNEYS
<p>Clark Equipment Co.</p> <p>vs</p> <p>Clark Equipment & Construction Company, Inc., Clark Equipment Sales Corporation, Southwestern Bell Telephone Company, Harold D. Clark, Newton Weisse and Sam Dryer</p>	<p>For plaintiff: Jms. Kincaid/ Larry J. Fulton 2400 First National Tower Tulsa, Oklahoma 74103 585-5711 560 5711</p> <p>For defendant:</p> <p>William J. Free (S.W. Bell Telephone) 707 North Robinson, Room 921 Oklahoma City, Okla 73102 (405)(236-6751)</p> <p>Ralph Losso 60 E. 42nd, Suite 1402, N. Y., N.Y. 10017 H. G. Bill Diekey 587-2166 201 Main Mall Bldg., <i>Still in case</i> Tulsa, Okla. 74103</p>

STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 10-1-73	Clerk		1973 9-21 9-27	Fulton C/DNo 9	15 00	15 00
J.S. 6 mailed 12-1-73	Marshal					
Basis of Action: Trademark Infringement & Unfair Competition	Docket fee Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
9-21-73	Complaint filed and summons issued. r	
10-2-73	Return on service of summons filed. Served SW Bell Telephone Co. at Oklahoma City, Okla, on 9-27-73. (\$4.00) Served Clark Equipment & Construction Co., Clark Equipment Sales Corp. and Harold D. Clark all at Quapaw, Oklahma, on 9-24-73. (\$32.52) Unable to serve Newton Weisse and Sam Dryer. ds	
10-11-73	ANSWER of deft. S. W. Bell Telephone Co., filed. r	
10-12-73	Mot. of Pltf. for Preliminary Injunction, filed. v <i>order to Judge</i>	
10-12-73	Brief in Support, filed. v	
10-12-73	Ordered by the Court that Deft. is granted 10 days from this date to respond to Pltf's Mot. for Preliminary Injunction. (AEB-J)v	
10-19-73	Entry of appearance of local counsel, H. G. Bill Dickey, on behalf of defts. Clark Equipment & Construction Co., Inc., Clark Equipment Sales Corp., Harold D. Clark & Sam Dryer, filed. g	
10-19-73	Answer and counterclaim of Clark Equip. & Construct.Co., Clark Equipment Sales Corp., Harold D. Clark & Sam Dryer, filed. g	
10-23-73	Defendant, SW Bell Telephone Co. response to plaintiff's motion for preliminary injunction, filed. ds	
10-23-73	Affidavit of Mailing, filed. jj	
10-26-73	Case set for hearing on preliminary injunction on Thurs, Nov. 1, 1973 at 10:00 am.(AEB-J)h -copies mailed-	
10-31-73	Case stricken from docket of Nov. 1, 1973, and reset for hearing on preliminary injunction on Weds. Nov. 7, 1973 at 10:00 am.(AEB-J)h -notice mailed-	
11-2-73	Motion of the Deft.s in opposition to Mot. for Preliminary Injunction and Cross Mot. for Summary Judgment, filed. v Aff. of Harold Dale Clark, filed. v Defts' Brief, filed. v <i>MC took Pltf's 11-2-73 to the</i>	
11-7-73	Hearing held on preliminary injunction. Parties present and represented. Ct. directs parties to submit briefs on question of defense of "Latches" of any future damages within 5 days. Trial held. Defendant's oral motion for dismissal of motion for prel. inj. overruled by court. Upon application of SW Bell Co., Court dismisses any claim for damages as to S.W. Bell prior to this date; and they remain a party defendant. Decision taken under advisement pending filing of additional briefs heretofore requested. (AEB-J)h	
11-7-73	Exhibits filed. Exhibits # 26 and 27 of pltf in vault.h	
11-8-73	Reply of pltf. to affir. defense & ctrclaim of defs. Clark Equip.& Const., Clark Equip. Sales., H.D. Clark & Dryer, filed. rm	
11-9-73	Minute Order: It is ordered that parties are granted 2 additional days, within which to file briefs on future damages. (AEB-J)h	

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-73	Request for Admissions under Rule 36, Fed. Rules of Civil Procedure. a	
11-12-73	Brief in Opposition to any Injunction Directed to Southwestern Bell Tele. Co.'s Directory Assistance Operators. a	
11-14-73	Proposed Findings of Fact and Conclusions of Law of Pltf., Clark Equipment Company, filed. jj Pre. Inj. to J	
11-14-73	Brief of Pltf. in Defense of Laches and its Application to Injunctive Relief and Limitation of Injunctive Relief Sought Against Defendant Southwestern Bell Telephone Company, filed. jj	
11-16-73	Final Judgment and Consent Decree, filed & entered. (AEB-J). js of Pltf.	
1-14-74	Mtn./to cite for contempt for failure to obey jgmt., filed.jj	
1-14-74	Pltf's Brief in support of Mtn. to cite for contempt for failure to obey jdgmt., filed.jj	
1-15-74	Order, filed, to show cause why contempt citation should not be issued. Ordered that each of you after receipt of this writ will change the corporate names of Clark Equipment & Construction Co., Inc. and Clark Equipment Sales Corp., by filing appropriate amendments to Articles of Inc. of said corps. w/Sec. of State of OK & etc. Show cause is hearing is set for 1-30-74 at 10:30 A.M. (AEB-J)v -cps mld.	
1-28-74	Minute Order: It is ordered that the Order to Show Cause Set for Hearing at 10 A.M. on January 30, 1974, is hereby stricken, to be re-set on Application of the Plaintiff. (AEB-J)e <i>Thomas mld.</i>	
2-26-74	Appl. of pltf. to set case for hearing why contempt citation should not be issued, filed. rm <i>o to g.</i>	
3-4-74	Order to show cause why contempt citation should not be issued, filed, ordering defts. Clark Equip & Const., Clark Equip. Sales Corp., Harold Clark & Sam Dryer to change corporate names of Clark Equip. & Const. Co., Inc. & Clark Equip. Sales Corp. by filing appropriate amendments to Articles of Incorporation of said corporations with Secy. of State of State of Okla. or that said defts. are to appear at 10:00 a.m. on 3-21-74 to show cause for refusal to do above. (AEB-J)hm (copies mailed)	
3-20-74	Application for counsel (H. G. Bill Dickey) to withdraw as attorney for defendants, filed. hm	
3-21-74	Case called for hearing on order to show cause why contempt citation should not be issued. Pltf. represented; deft. Harold D. Clark not present. H. G. Bill Dickey present; application filed by him to withdraw as atty. for deft. is granted, and <u>order allowing counsel to withdraw as attorney for defendants, signed and filed in open court.</u> Plaintiff directed to get personal service on defendant and to prepare new order to show cause. Hearing passed. (AEB-J)hm	
3-22-74	Order to show cause why contempt citation should not be issued, filed, directing Clark Equip. & Const. Co., Clark Equip. Sales Corp., Harold D. Clark & Sam Dryer to change corporate names of Clark Equip. & Const. Co. & Clark Equip. Sales Corp. by filing appropriate papers with (over)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	Secy. of State of Okla. or appear before this Court on 4-2-74 at 10:00 a.m. to show cause for refusal to do so. (AEB-J)hm (copies served by Marshal)	
3-27-74	Marshal's service on Order to Show Cause, filed: served Harold D. Clark, Clark Equipment Sales Corp., Clark Equipment & Construction Co. Inc. at Quapaw, Ok. 3-26-74; unserved as to Sam Dryer. (USM \$33.72)g	
4-2-74	Hearing on Order to Show Cause. Counsel for Plaintiff Present. Deft. and Counsel failed to Appear. Crt. Orders the issuance of a Bench Warrant for Harold D. Clark, First & Main, Quapaw, Oklahoma. (AEB-J).s	
4-2-74	Bench Warrant Issued.s	
4-4-74	Hearing held on Warrant for failure to appear of Deft. Harold Clark. H. G. Bill Dickey makes reappearance for Deft. Harold D. Clark and the Clark Corps. Court Orders Deft. to file corrected papers by 4-15-74, and Court sets hearing on case for final disposition and determination of Attorney's (Plaintiffs) Fees for 10:00 A.M. 4-15-74. Ct. Orders that if Bench Warrant has not been served it will be withdrawn; if it has been served, it will be held in Abeyance, and Deft. Clark is released to the custody of his Attorney H.G. Bill Dickey. (AEB-J).s	
4-8-74	Bench Warrant, ret. & filed: Harold D. Clark arrested at Tulsa, Ok. 4-4-74. g (USM \$27.48)	
4-15-74	Order that case is stricken from hearing of this date since parties have settled the dispute. (AEB-J).s	